

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

PERSONALIZED MEDIA
COMMUNICATIONS, LLC,

Plaintiff,

v.

GOOGLE LLC,

Defendant.

Civil Action No. 2:19-cv-00090-JRG

LEAD CASE

PERSONALIZED MEDIA
COMMUNICATIONS, LLC,

Plaintiff,

v.

NETFLIX, INC.,

Defendant.

Civil Action No. 2:19-cv-00091-JRG

MEMBER CASE

**JOINT MOTION FOR PARTIAL DISMISSAL OF CERTAIN CLAIMS
AND TRANSFER OF DEFENDANT NETFLIX, INC.**

Plaintiff Personalized Media Communications, LLC (“PMC”) and Defendant Netflix, Inc. (“Netflix”) have entered into an agreement and compromise with respect to several disputed issues and, to that end, agree and stipulate as follows:

1. PMC’s claims against Netflix, with respect to U.S. Patent 7,865,920 and 9,674,560, should be dismissed with prejudice, with each party bearing its own costs and attorneys’ fees.

2. Further, solely as to Netflix, and as part of a larger compromise between PMC and Netflix whereby Netflix agrees to transfer to the Southern District of New York, and without any implication that PMC’s venue arguments are incorrect or improper, the Parties agree and stipulate

that this Court should grant Netflix's Corrected Motion to Dismiss or, In the Alternative, Transfer for Improper Venue (D.I. 62) as to Netflix only,¹ and transfer Civil Action No. 2:19-cv-00091 to the Southern District of New York, for which Netflix will not challenge venue as being either improper or inconvenient for the remainder of this action.

3. Finally, Netflix shall participate in the currently scheduled depositions of PMC's witnesses notwithstanding the pendency of the transfer and shall not seek to further depose those PMC witnesses in this action absent a showing of good cause.

For all these reasons, the Parties jointly and respectfully request that this Court enter the proposed order, solely as to Netflix, i) dismissing all claims against Netflix regarding U.S. Patent 7,865,920 and 9,674,560, ii) granting Netflix's Motion to Transfer for Improper Venue as to Netflix only, and iii) transferring Civil Action No. 2:19-cv-00091 to the Southern District of New York.

Respectfully submitted,

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¹ For clarity, neither Party is asking to transfer the lead case, *PMC v. Google LLC*, Civil Action No. 2:19-cv-00090. PMC in no way intends its compromise with Netflix to have any effect on Google's Motion to Dismiss for Improper Venue.

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**ATTORNEYS FOR DEFENDANT
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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). All other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by electronic mail on this 16th day of April, 2020.

/s/Joseph S. Grinstein
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